

Order

Michigan Supreme Court
Lansing, Michigan

July 1, 2016

Robert P. Young, Jr.,
Chief Justice

152994

Stephen J. Markman
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen,
Justices

EMPLOYERS MUTUAL CASUALTY
COMPANY,

Plaintiff/
Counter-Defendant-Appellee,

v

SC: 152994
COA: 322215
Wayne CC: 12-002767-CK

HELICON ASSOCIATES, INC. and ESTATE
OF MICHAEL J. WITUCKI,

Defendants/Counter-Plaintiffs,

and

DR. CHARLES DREW ACADEMY and
JEREMY GILLIAM,

Defendants,

and

WELLS FARGO ADVANTAGE NATIONAL
TAX FREE FUND, WELLS FARGO
ADVANTAGE MUNICIPAL BOND FUND,
LORD ABBETT MUNICIPAL INCOME
FUND, INC. and PIONEER MUNICIPAL HIGH
INCOME ADVANTAGE,

Defendants-Appellants.


On order of the Court, the application for leave to appeal the December 1, 2015 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.305(H)(1). The parties shall file supplemental briefs within 42 days of the date of this order addressing: (1) whether the consent judgment amounts to a “judgment or adjudication . . . based on a *determination*” of the insured’s conduct [emphasis added]; and, if so, (2) whether it was “a determination that acts of fraud or dishonesty were committed by the ‘insured.’ ” The parties should not submit mere restatements of their application papers.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 1, 2016


Clerk